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Via email only

February 28, 2025

Mr. Chuck Erdman
Executive Director
Pennsylvania Senate Intergovernmental Operations Committee
Office of Senator Jarrett Coleman, 16th District

RE: Senate Intergovernmental Operations Committee Hearing Invitation

Dear Mr. Erdman:

Thank you for your email and for the invitation for Dr. Steere, President of the Board of School Directors of the Pennsbury School District (the “Board”), to attend a hearing of the Senate Intergovernmental Operations Committee related to the Pennsylvania Right-to-Know Law (“RTKL”) and record retention. I am the solicitor of the Pennsbury School District (the “District”) and am replying on Dr. Steere’s behalf.

The District is committed to transparency and fulfilling the statutory imperatives of the RTKL. In fact, the District hired an additional employee whose sole responsibility is to assist with processing RTKL requests given the many requests received by the District, and the obligations imposed by the statute. The District carefully and dutifully responds to each RTKL request in the manner required by the statute. A review of the RTKL appeals to the Office of Open Records in the last year affirms the District’s faithful interpretation and application of the RTKL. Of the ten (10) appeals filed in the last twelve (12) months, none have resulted in OOR concluding that the District withheld records that should have been produced.¹ The District expends significant time, cost, effort, and attention to fulfill its statutory obligations pursuant to the RTKL. The District also takes its obligations pursuant to the Pennsylvania Sunshine Act seriously and strives to comply with the same in all respects, and at all times.

¹ OOR only granted one appeal, and then, only in part. OOR directed the District to produce records electronically that were already made available in paper form to the requester.

Your invitation references recent media reports about the District's use of "messaging apps that automatically delete communications." The District is aware of at least one article from the Delaware Valley Journal on this subject. The article quoted the District's Open Records Officer, stating that Google Chat is available to District employees through Google Workspace. The article went on to reference the use of Google Chat by District "officials" and included a lengthy discussion of the use of such messaging apps by elected officials, together with the potential implications pursuant to the Sunshine Act. The article, when taken as a whole, could be understood to mean that the Board utilizes Google Chat, or even that the Board deliberates through Google Chat in violation of the Sunshine Act. Neither is true. The Board does not utilize Google Chat to communicate currently, nor has it utilized Google Chat to communicate at any time during my tenure. To avoid any confusion, I am not simply asserting that the Board has not deliberated on Google Chat. Rather, the Board does not communicate through Google Chat at all. The majority of the Board did not even know that they had access to Google Chat prior to this reporting.

Google Chat is a feature of the Google Workspace. Given that the District utilizes Google Workspace, this feature has been automatically available to District staff. No one in the District's current Administration or Board elected the retention period for this feature. The District Superintendent, Dr. Thomas Smith, has never sent a message on Google Chat while at the District. Following the reporting on this subject Dr. Smith learned that he has unread messages in Google Chat. He does not use the platform. The fact that staff were automatically given access to Google Chat through Google Workspace is not violative of any law or authority to the District's knowledge. In *PG Publishing Company, Inc. v. Governor's Office of Administration*, 120 A.3d 456 (Pa. Cmwlth. 2015), the Pennsylvania Commonwealth Court affirmed that the RTKL does not dictate any retention period for any records. That being said, to simplify matters, the District is electing to disable the Google Chat function entirely moving forward.

In short, the District does not have any information to offer to this discussion. Contrary to reporting, the Board and Superintendent do not, and have not, utilized Google Chat. As a result, the District would be unable to meaningfully contribute to a hearing on this subject, and respectfully declines your invitation. The District will await any changes to the law that result from the Committee's efforts, and will of course comply with the same. I am available to discuss this further if desired at (215) 345-7000. Thank you for your work on behalf of the Commonwealth and outreach.

Very truly yours,



Erin Aronson

cc: Dr. Thomas Smith, Superintendent
Pennsbury School District Board of Directors